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Président: M. Tabai
Chairperson: Mr Tabai
Presidente: Sr. Tabai

Discussion des cas individuels (*suite*)**Discussion of individual cases (*cont.*)****Discusión de los casos individuales (*cont.*)****République de Moldova (ratification: 1996)****Convention (n° 98) sur le droit d'organisation et de négociation collective, 1949****Right to Organise and Collective Bargaining Convention, 1949 (No. 98)****Convenio sobre el derecho de sindicación y de negociación colectiva, 1949 (núm. 98)**

Président – Nous allons à présent passer à l'examen du cas individuel à l'ordre du jour. Il s'agit de l'examen du cas concernant la République de Moldova pour l'application de la convention (n° 98) sur le droit d'organisation et de négociation collective, 1949.

J'informe la commission que nous avons 12 délégués inscrits pour prendre la parole.

Sans plus tarder, j'ai l'honneur d'inviter l'honorable représentant du gouvernement de la République de Moldova, M. Vladimir Cuc – Ambassadeur, Représentant permanent de la République de Moldova auprès de l'office des Nations Unies à Genève – à prendre la parole.

Government representative (Mr CUC) – Distinguished members of the Committee, colleagues from the Government, Workers' and Employers' groups, ladies and gentlemen, on behalf of the Government of the Republic of Moldova, I would like to express our appreciation to the Committee of Experts and to this Committee for their continued attention to the application of the Convention.

We also acknowledge the efforts by the National Trade Union Confederation of Moldova (CNSM) for bringing this matter to the attention of the Committee.

Let me start by saying that we see this discussion as a shared opportunity to strengthen the fundamental rights enshrined in the international labour standards and to reinforce our national commitment to meaningful social dialogue.

With this spirit, we submitted to the Committee an update on recent developments and reaffirm our willingness to work constructively towards a fair and positive outcome for all parties involved.

Since ratifying the Convention, the Republic of Moldova has made sustained efforts to guarantee trade union freedoms and to build a functioning system of social dialogue.

These principles are anchored in our Constitution which guarantees the right of every employee to join a trade union and engage in collective bargaining and recognizes the binding nature of collective agreements.

These constitutional guarantees are operationalized through the Labour Code and complementary legislation governing trade unions, employers' associations and bipartite and tripartite mechanisms.

One of the most important recent milestones was the adoption of the Tripartite National Collective Agreement No. 20 in July 2022. This agreement was jointly developed with social partners and outlines clear responsibilities for fostering social dialogue at national, sectoral and territorial levels. It lays the foundation for structured consultation, negotiation platforms and mechanisms for dispute resolution.

As part of our ongoing commitment, the Government adopted legal amendments in 2023 to align the mandate and practices of the Labour Inspectorate with the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129). These amendments introduced such procedures as unannounced inspections in case of undeclared work and labour exploitation. Additional legal updates are under review in 2025 to enhance occupational safety and health. These efforts are further supported by an EU-funded project implemented by the ILO.

In 2023, the Republic of Moldova has also removed administrative and financial barriers to the creation of trade unions and employers' organizations. The Parliament abolished State registration fees at all levels demonstrating our commitment to facilitating the right to organize without unnecessary hurdles. The National Commission for Consultations and Collective Bargaining remains the main national tripartite platform for dialogue. It meets regularly and discusses a wide range of topics, from amendments to the Labour Code to consultations on national budgetary laws, including the State Social Insurance and Healthcare Insurance Budgets. Only in the current year, the Commission held already five meetings. Critically, the Commission plays a central role in reviewing and revising the national minimum

wage, with each discussion guided by the adequacy principle as set out in the EU Directive 2022/2041.

Between 2021 and 2025, as a direct result of tripartite dialogue and collective bargaining, the national minimum wage increased by 87 per cent. Beyond wage-setting, the Commission addresses collective bargaining issues, sectoral social dialogue and the potential ratification of pending ILO Conventions.

We are proud to share that, as a result of this collaborative effort, the Republic of Moldova ratified the Violence and Harassment Convention, 2019 (No. 190) in 2024, which entered into force this year, in March 2025.

Discussions are also under way on the Workers with Family Responsibilities Convention, 1981 (No. 156). Social dialogue is not separate from the Republic of Moldova's involvement. It is at the heart of our European integration path.

On 26 January 2024, the Government and social partners signed a joint declaration supporting the Republic of Moldova's EU accession. Trade unions and employers' organizations have been actively involved in the Bilateral Screening process, and both are members of the Working Group No. 19 on Social Policy and Employment.

We are now conducting in-depth consultations on the transposition of several EU directives, including the Adequate Minimum Wage directive due in 2025. This work contributes to aligning the Republic of Moldova's labour policies with European standards while ensuring that they remain inclusive and grounded in national dialogue.

Mr Chairperson, dear colleagues, we are referring in such details to all of these ongoing processes to demonstrate that all three parties to the social dialogue are working closely on major national priorities advancing the Republic of Moldova towards objectives of economic prosperity, social justice and decent work. However, we acknowledge that challenges remain.

The capacity of social partners to negotiate and conclude collective agreements is still limited, especially at the sectoral, territorial and enterprise levels. Some dialogue structures are still dormant. Awareness of collective bargaining rights remains low in specific sectors. As a result, coverage with collective agreement remains at an estimated 39 per cent as of 2025. The Government is actively scaling up efforts to address these issues.

With support from the ILO, we implemented a national training programme between 2022 and 2024 which covered 20 districts, multiple sectoral platforms and focused on wage-setting, gender pay equity, dispute resolution and local labour market analysis.

Just last week here in Geneva, the Government, the national configurations of trade unions and of employers together with ILO signed a Decent Work Country Programme 2025-2027. We are looking forward to the implementation of this Programme, which is a national priority. Its first strategic objective is to strengthen social dialogue and collective bargaining.

Key objectives include better alignment with international labour standards in EU acquis, building the expertise and capacity of social partners, and promoting a robust and inclusive system of social dialogue.

A central deliverable of this programme is the adoption of the National Action Plan on collective bargaining, with at least 50 per cent of its activities to be implemented with ILO technical support including training, assistance and logistical support.

Mr Chairperson, dear colleagues, the Republic of Moldova provides robust legal safeguards for the autonomy of trade unions. The Constitution, the Labour Code, Trade Union Law and Contravention Code prohibit any form of discrimination against trade union members, coercion to leave or change a union and interference by public authorities in union affairs. Violations of these rights are subject to fines under the law. Trade unions have the legal standing to appear in court and may initiate civil actions to defend their members.

Turning to the specific situation raised before this Committee, let me first underline that the case concerns one institution in the health sector, in particular the Public Medical Institution National Center for pre-hospital Emergency Medical Assistance.

Let me say, however, that we take this situation seriously and at the national level. We are fully committed to working towards a solution mediated on the Government platform in this case.

In response to concerns regarding the application of the Convention, the Government has already taken targeted steps to promote dialogue and clarify the facts. On 13 August 2024, the Ministry of Labour and Social Protection convened a high-level consultative meeting, with the participation from the Ministry of Health, the CNSM and the ILO. At this meeting, the Ministry of Health proposed the creation of a joint fact-finding mechanism to examine the allegations in an impartial manner and rebuild mutual trust. I must say this proposal remains on the table and we are committed to it. Following this, the State Chancellery issued a formal request to all relevant institutions for explanatory notes on the case.

The Ministry of Labour and Social Protection has continued to monitor developments and maintain open communication with all stakeholders.

As mentioned earlier, the Government in collaboration with social partners and with the support of the ILO, is in the process of finalizing a comprehensive roadmap comprising a range of proposals aimed at strengthening social dialogue and collective bargaining mechanisms. This document is currently under consultation with social partners and the next round is taking place this Friday.

What we want to achieve by this roadmap is to put forward legislative, institutional and policy measures which will strengthen the social partnership, provide better guarantees, address violations and further raise the rate of coverage with collective agreements.

In this context, the Government aims to take into account the conclusions of the Committee of Experts, together with the proposals advanced by social partners, with a view to achieving a genuinely tripartite outcome.

We welcome constructive proposals from all parties and remain committed to reflecting them in the final version of this roadmap. Once finalized, the Government will keep the Organization informed on progress made in its implementation. There are also ways to address the situation through court proceedings, which remains available and further institutional and legislative steps are currently under examination.

Mr Chairperson, distinguished delegates, the Government of the Republic of Moldova reaffirms its full commitment to the principles enshrined in the Convention. We remain engaged in this process transparently in good faith and in close cooperation with ILO and our national social partners. We recognize the challenges that remain but we also see here an opportunity, a chance to deepen our democratic and institutional maturity, strengthen the social contract and advance on our path towards EU integration. In this sense, all points in the observation of the Committee of Experts are currently given thorough consideration.

We are also grateful to the ILO for its long-standing partnership and respectfully request continued technical assistance to strengthen collective bargaining capacity, increase awareness of social dialogue in specific sectors, including the health sector, support legislative alignment with the EU standards and help build a more inclusive and effective system of social dialogue in the Republic of Moldova. We thank Committee once again for its guidance and engagement.

Together we can ensure that the Republic of Moldova lives up to the spirit of the ILO Convention by promoting dignity, fairness and dialogue in the world of work.

Président – Excellence, je vous remercie pour votre intervention.

J'invite maintenant les deux porte-paroles à faire leur introduction, et je donne la parole à M. Stephen James Russell, porte-parole des travailleurs.

Worker members – Distinguished delegates, our Committee is now called upon to examine the Republic of Moldova's compliance with the Convention which as we all know, is a fundamental Convention.

In its report, the Committee of Experts highlighted three aspects: The Committee pointed to the lack of effective measures to protect against acts of anti-union discrimination and interference. While the Moldovan legislation provides for sanctions when workers are prevented from joining or forming trade unions, it is silent when it comes to acts of interference in the activities of trade unions.

We can provide a very serious example of the impact of this legislative oversight. The administration of the National Centre for pre-hospital Emergency Medical Assistance threatened workers with reprisals if they refused to change their membership from the union of their own choosing to the Government-supported union which was not of their choosing. This led to the forced resignation from the union of just under 4,000 employees and the dismantling of the independent union. In addition, a union leader was demoted to force him also to resign. Furthermore, even when the legislation exists to protect workers' rights, in practice, the penalties provided for are not at all dissuasive.

Indeed, a fine of US\$120 feels more suitable for a speeding ticket than it does for abuse of fundamental rights and is clearly inadequate.

As long ago as 2004, the Committee on Freedom of Association took the opportunity to make recommendations to the Moldovan Government in this regard and called for the introduction of effective and sufficiently dissuasive sanctions to prevent acts of anti-union discrimination.

The National Trade Union Confederation of Moldova has also made proposals to Parliament and the Government to give effect to the recommendations of the Committee on Freedom of Association. However, these proposals were not followed up. The same is true of the bill that aims to amend Article 61 of the Contravention Code in order to introduce stronger sanctions. The change was requested by unions but so far Article 61 remains unamended.

For too long, Chairperson, any progress on this issue has foundered in an endless discussion of draft regulations that somehow never progresses to reality.

As much as negotiation and consultation are at the very heart of what we do here, it is expected to develop into law and practice at one point. Otherwise, eventually, like a US\$120 fine, talk is cheap. The persistence of the status quo in these issues constitutes a serious threat to freedom of association. It is now necessary for the Government to finally put these proposals into practice with the greatest urgency.

It also appears from the Committee of Experts' report that a provision of the Labour Code protecting union officials from dismissal for two years after leaving their positions was repealed and replaced with a requirement for an advisory opinion, rather than, as formally, prior consent from the superior union body. This further weakened the existing legal protection against anti-union discrimination.

Our own advisory opinion, Chairperson, is that this is unacceptable. We join the Committee of Experts in expecting that the Government will adopt provisions that will significantly strengthen the legal protection against anti-union discrimination.

Distinguished Delegates, in its report, the Committee of Experts had also pointed out a second problem which concerned the lack of information on the number of workers covered by collective agreements.

This information is needed to assess the dynamics of collective bargaining in the country.

Strong and well-functioning collective bargaining which is often characterized by high collective bargaining coverage has many benefits for workers and society in general. We note that it is impossible to deliver on the obligation to promote collective bargaining if you do not know whether collective bargaining in your country is flourishing or failing. It is, therefore, of the utmost importance for the Government to collect those statistics so that it can develop appropriate policies to increase collective bargaining coverage and, for us, in the ILO supervisory system, to be able to independently assess the functioning of collective bargaining in the country.

Finally, the Committee of Experts recalled a long-standing concern relating to compulsory arbitration.

In this respect, we note firmly that referring a collective labour dispute to the courts is incompatible with the Convention except, as the Committee of Experts recalls, where such a referral is at the request of both parties to the conflict.

An appeal may also be allowed when the question concerns public servants employed in the essential services of the State, in the strict sense of the term, or a situation of serious national crisis. These form a very narrow set of exceptions: section 360(1) of the Labour Code is not in line with the Convention in that regard.

The Government indicates that a new draft law is on the way to address this issue.

We also note that the Government has been requested by the social partners to work with the Labour Inspectorate and the social partners to establish a mechanism for out-of-court dispute settlement which was expected to be fully developed by the end of 2024 but on which we have heard no more. We ask the Government to resume the tripartite process related to the development of an out-of-court mechanism for labour disputes.

All these issues should lead to effective and time-bound measures on the part of the Government.

We therefore call on the Government to take up the matter and in particular to take measures to ensure effective protection against acts of anti-union discrimination.

Président – Je donne la parole à M. Paul Noll, porte-parole des employeurs, pour sa déclaration introductive.

Employer members – We thank the Government of the Republic of Moldova for the recently provided written information on this case of which we have fully taken note.

Employer members address the importance of state's compliance relating to the application of the Convention, which was ratified by the Republic of Moldova in 1996. Since 2001, the Committee of Experts has issued seven observations and this case had never been discussed in this Committee.

It should be noted that in March 2022, the Republic of Moldova applied for the European Union membership and that social partners are engaged in the accession process.

This case includes four elements. Firstly, about the allegations of interference in trade union activities, the Committee of Experts noted allegations that workers were threatened with retaliation if they refused to change their affiliation to the union supported by the Government. Furthermore, it noted with regret that a trade union leader was demoted to induce resignation and that the issue had not been resolved.

According to Article 1 of the Convention, workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Such protection applies in particular in respect of acts calculated to make the employment of the worker subject to the condition that the person shall not join a union or shall relinquish trade union membership.

The legal situation is as follows: Article 6 of Law. No. 1129/2000 on trade unions establishes that trade union membership shall not entail any restrictions of human rights and freedoms guaranteed by the Constitution, national legislation or international treaties to which the Republic of Moldova is a party. It prohibits any form of discrimination in employment including hiring, promotion or dismissal based on a person's affiliation with a particular trade union or their decision to join or leave a union. Furthermore, the same Article forbids influencing individuals with the aim of forcing them to leave a union, join another or dissolve a union.

The Government mentioned today that it had taken a series of targeted actions: (i) on 30 August 2024, the Ministry of Labour and Social Protection convened a high-level meeting with the participation of the Ministry of Health, the National Trade Union Confederation and the ILO; (ii) the State Chancellery issued a formal request on 17 October 2024, to all competent institutions to submit explanatory notes concerning the reported events; (iii) in parallel, the Ministry of Labour and Social Protection has continued to monitor developments; and (iv) the Government, together with social partners and the ILO, is working on a comprehensive road map containing over 15 proposals to strengthen social dialogue and collective bargaining mechanisms.

Employer members have taken note and welcome these developments. However, we encourage the Government to continue on this path with the aim to comply with the obligations of the Convention and to report back on measures achieved.

The second point concerns the legal reform to amend Section 61 of the Contravention Code. In this regard, the national law penalizes any obstruction of employees' rights to form or join trade unions as a means to defend their professional, economic and social interests. Such actions are considered a contravention under Article 61 of the Contravention Code and

are subject to fines. A draft law to amend Article 61 of the Contravention Code and the application of tougher sanctions is being discussed. Employer members ask the Government to provide further detailed information on this process to amend the law and the provisions that cover the sanctions to acts of anti-union discrimination and interference. Furthermore, in line with the request of the Committee of Experts, we ask the Government to submit a copy of the adopted Act.

Thirdly, on steps taken by the Government in relation to referring a collective bargaining dispute to the courts, the Committee of Experts requested the Government to amend section 360(1) of the Labour Code to ensure that referral of a collective bargaining dispute to courts is possible only upon request by both parties of the dispute or in relation to public servants engaged in the administration of the state essential services and in situations of national crises.

The Government indicated that a new draft law, the Mediation Act and Statute of the Mediator is at the endorsement stage.

Employer members would like to recall that according to Article 4 of the Convention, measures appropriate to the national conditions shall be taken where necessary to encourage and promote the full development of voluntary negotiation between employers' and workers' organizations.

Article 4 of the Convention provides some flexibility in order to let governments, social partners and Member States find ways of implementation that are in line with the circumstances and needs.

Therefore, Employer members encourage the Government to engage in a meaningful consultation with the most representative employers' and workers' organizations on the

revision process of section 360(1) of the Labour Code and to provide information on any developments in this respect.

The fourth point relates to statistics on the number of collective agreements concluded and in force. The Government provided information on collective agreements stipulated at the national level. The Committee of Experts noted this information and requested the Government to provide additional statistical information on the number of collective agreements concluded and enforced in the country, including the sectors concerned and the number of workers covered.

Employer members note that the Government provided additional written information on collective bargaining coverage. According to the information provided, as of 2024, the Republic of Moldova had 4,275 collective labour contracts enforced.

Collective agreements covered approximately 241,094 union members, equivalent to 38.5 per cent of the country's total workforce.

To conclude, Employer members ask the Government: (i) to continue the path of solving the issue regarding interference in union activities in the healthcare sector and to report back on measures achieved; (ii) to provide detailed information on the process to amend the law and the provisions that cover the sanctions to acts of anti-union discrimination and interference and to provide a copy of the adopted act.

To engage in a meaningful consultation with the most representative employers' and workers' organizations on the revision process of section 360(1) of the Labour Code and to provide information on any developments in this respect.

Président – J'invite le distingué délégué travailleur de la République de Moldova, M. Igor Zubcu, à faire sa déclaration.

Interpretation from Russian: **Worker member, Republic of Moldova (Mr ZUBCU)** – The Committee of Experts has duly considered the information provided by the National Trade Union Confederation of Moldova (CNSM) and has given due consideration to the information illustrating anti-trade union interference in the country.

Having ratified the fundamental Conventions of the ILO, including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and Convention No. 98, the Republic of Moldova has committed to observing the provisions contained therein relating to labour standards and guaranteeing the observance of a range of rights and guarantees for trade union activities, including adequate protection against any act of interference from employers or government.

I have to note here that appropriate protection against anti-trade union discrimination requires sufficient sanctions and, in the Republic of Moldova, there currently exists only sanctions for obstructing the exercise by employees of the right to create and join trade unions. When it comes to the violation of trade union rights and interference by employers with a view to dissolving trade unions, there are no effective sanctions provided, which could be considered as an incentive for non-observance of trade union laws.

The initiative of the Government and Parliament in the form of a bill reflecting a proposal from the CNSM seeking to provide sanctions and penalties against trade union interference has not been met with success and the current legislation has not undergone any changes or modifications in order to provide for sufficiently dissuasive sanctions in the case of trade union rights violations.

Consequently, specific cases of violation of trade union rights have been recorded in the Republic of Moldova. One of them is the gross violation of these rights by the interference of the administration of the National Centre for pre-hospital Emergency Medical Assistance which

has led to the de facto dissolution of an existing trade union and the creation of a new trade union under the direct control of the employer. The founders of this new trade union organization are 16 managers of the Centre, including two vice directors and involving the structures subordinate to them. This is a fact which is confirmed by the certificate of registration of the trade union.

Further, the statutes of the trade union dictate that it is the administration that determines when the next general meeting of the trade union will take place. We see this as a classic case of a company run or a yellow trade union which is created and controlled by employers and this has taken place in an institution directly under the control of the Ministry of Health. So the Government is not only failing to guarantee the rights of trade unions but is also supporting the violation taking place by the employers, something that is reflected in the reports of the CNSM.

We turned to the competent authorities responsible for upholding trade union rights. We contacted the respective bodies. Unfortunately none of them came back to us with a response worthy of the name: the Ministry of Labour and Social Protection simply provided a passive response referring to the absence of authority they had; the Ministry of Health welcomed the creation of the employer-controlled trade union; and the labour inspectorate did not react to our official complaint. So without a response worthy of the name, the CNSM decided to turn to the ILO and make a complaint to the Committee on Freedom of Association.

Particularly alarming is the passive attitude of the Ministry of Labour and Social Protection which, as the body responsible for ensuring social dialogue and social policy, should stand up for international labour standards.

Bearing in mind that the Republic of Moldova is a candidate for membership of the European Union, I would like to note that our complaint in no way is seeking to derail the process of European integration of the country.

The Association Agreement between the European Union and the Republic of Moldova provides that the Republic of Moldova has the duty to respect, promote and enshrine in law internationally accepted labour standards as provided for by the fundamental Conventions of the ILO and in particular on freedom of association.

We believe therefore that our representations to the ILO supervisory bodies should not only serve as a wake-up call to government officials who have grossly interfered in trade union matters, but should also lead to specific legislative and practical steps overcoming and removing any forms of interference and in that way support the process of European integration.

In conclusion, I would like to express gratitude to the representatives of the ILO, the Committee of Experts and directly say thank you here to this for the prompt consideration of our representations and the support to the Government to move forward to promote and protect the rights of trade unions and trade unionists.

We very much hope that the Government of the Republic of Moldova will take into account the conclusions of the ILO supervisory bodies and immediately take the necessary measures for the application of international labour standards relating to the activities of trade unions and not allow, in the future, such cases of anti-union interference while supporting national legislation and providing for specific sanctions against interference in trade union activities.

Président – Je donne la parole au distingué représentant du gouvernement de la Suisse, M. Quentin Durig.

Membre gouvernemental, Suisse (M. DURIG) – La Suisse a pris note avec intérêt des observations de la commission d'experts et des informations écrites fournies par le gouvernement moldave.

Le rapport de la commission d'experts fait état de plusieurs actes de discrimination et d'ingérence antisyndicales, dont un ayant conduit au démantèlement d'un syndicat indépendant dans le secteur hospitalier et à la démission forcée de ses membres.

La Suisse rappelle au gouvernement moldave que, conformément aux articles 1 et 2 de la convention, les travailleurs doivent pouvoir s'affilier aux syndicats de leur choix et mener leurs activités syndicales à l'abri de toute forme de menaces, préjudices et ingérences. Garantir une protection adéquate des droits syndicaux des travailleurs, y compris le droit à l'organisation et à la négociation collective, requiert un cadre législatif et juridique complet et robuste prévoyant notamment des sanctions suffisamment dissuasives contre les actes de discrimination et d'ingérence antisyndicales.

À cet égard, la Suisse prend note avec satisfaction des informations selon lesquelles un projet de loi est en préparation afin de fixer des sanctions plus strictes que celles actuellement en vigueur, et invite les autorités moldaves à informer proactivement la commission d'experts à ce sujet.

À travers ses relations bilatérales avec la République de Moldova, la Suisse promeut le dialogue social et les échanges d'expertise entre partenaires sociaux suisses et moldaves. Ce faisant, elle offre une plateforme assurant la participation pleine et entière des partenaires sociaux, leur permettant ainsi d'exprimer leurs préoccupations et points de vue.

Le gouvernement suisse se tient prêt à accompagner les autorités et les partenaires sociaux moldaves, dans le cadre du dialogue tripartite institutionnalisé depuis 2023 entre la

Suisse et la République de Moldova en matière de travail et d'emploi, pour faciliter la mise en œuvre des réformes législatives et institutionnelles.

Enfin, nous saluons l'adoption du Programme pays pour le travail décent 2025-2027 signé la semaine dernière entre la République de Moldova et l'OIT, ainsi que l'adoption, au niveau national, d'une feuille de route de 15 mesures visant à renforcer la négociation collective. Nous encourageons les autorités moldaves à poursuivre leur étroite coopération avec le BIT et les partenaires sociaux dans ces processus.

Président – J'invite le distingué délégué-travailleur de la Suisse, M. Luca Cirigliano, à prendre la parole.

Interpretation from German: **Worker member, Switzerland (Mr CIRIGLIANO.)** – I am speaking on behalf of the Swiss Federation of Trade Unions (SGB).

The present case is of particular importance as it has systemic and exemplary implications for many countries and regions with regard to the application of a fundamental ILO Convention.

There are two main problems that we have just been hearing about.

Firstly, the lack of adequate legal protection and dissuasive sanctions against anti-union discrimination and interference. Secondly, specific cases of intervention by the administration in the health sector, in particular by the competent ministry.

Firstly, on the first topic, the lack of dissuasive sanctions and sufficient legal protection. This is a problem that we are also familiar with in Switzerland. We refer in particular to the case that was submitted in 2024 dealing with anti-union interference in the Republic of Moldova. The Republic of Moldova ratified Conventions Nos 87 and 98. As a result, national laws were

enacted to guarantee freedom of association. These laws formally recognize trade union rights but do not provide effective protection against their violation.

In particular, we have heard about the Contravention Code which only provides for an extremely small fine amounting to US\$120 for preventing the establishment or membership of trade unions. For interventions by employers aimed at breaking down or replacing trade unions, as far as I can see, there are no sanctions foreseen.

Repeated recommendations from the ILO have called upon the Moldovan Government to revise legislation and introduce dissuasive sanctions. This has not yet been done.

CNSM has submitted a draft law amending Article 61 of the Contravention Code which provides for sanctions in the case of anti-trade union interference. However, these proposals have been ignored by the Government and Parliament.

This legal vacuum has created an environment conducive to such serious interference.

The administration of the National Centre for pre-hospital Emergency Medical Assistance has dismantled the independent trade union with over 3,800 members and in practice has installed a new trade union controlled by the employer.

The authorities were informed, both through the National Commission for Consultations and Collective Bargaining and through formal submissions. To date, the Government has not taken effective action.

The Government's own statements are limited to internal discussions which, in the view of the CNSM and the SGB, do not constitute effective measures against this interference.

The CNSM considers this as an expression of a passive stance of the Ministry of Labour and Social Protection, which is the competent authority for labour market policy, social

dialogue and enforcement of international labour standards and therefore should protect freedom of association.

We would like to reiterate that while national law provides for sanctions to prevent the establishment or membership of trade unions, it does not provide for protection against interference with existing trade unions. Once again, the CNSM's proposals have not yet been implemented.

Finally, I would like to refer to the experience of Switzerland which may prove useful. The SGB has been fighting for over 20 years to improve protection against dismissal of trade union members in companies. After intensive tripartite high-level negotiations and dialogue, we were finally able to reach an agreement in Switzerland which will soon be submitted to Parliament.

This shows that with consistent social dialogue, progress is possible. We hope to see similar developments in the Republic of Moldova but hopefully much faster than in Switzerland.

In addition, Switzerland as part of a Memorandum of Understanding is involved in discussions with the Moldovan Government in tripartite structures. The social partners from the Republic of Moldova, including the CNSM, are also involved in this process.

We hope that the Moldovan Government and the social partners can benefit from the experience of Switzerland which we would like to make available to them under this Memorandum of Understanding.

Président – Je donne la parole au distingué délégué travailleur de la France, M. Tristan Chevalier.

Membre travailleur, France (M. CHEVALIER) – La République de Moldova est engagée sur la voie du rapprochement avec l'Union européenne depuis de nombreuses années. Ce mouvement s'est accéléré en mars 2022 lorsque la République de Moldova a posé sa candidature à l'entrée dans l'Union européenne, puis quand le processus de négociations a reçu le feu vert du Conseil européen en décembre 2023. Le pays bénéficie également du plan de croissance 2025-2027, doté d'une enveloppe de 1,8 milliard d'euros, adopté début octobre 2024 par la Commission européenne.

Ce fort engagement des autorités moldaves en faveur de l'adhésion à l'Union européenne, qui devrait se concrétiser à l'horizon de 2030, constitue une excellente occasion pour améliorer le droit d'organisation et de négociation collective dans le pays, d'autant qu'une mission conjointe de l'OIT et de l'Union européenne a eu lieu au mois d'avril 2024.

Dans ces circonstances particulières, nous demandons à ce que le gouvernement moldave ne se contente pas de mesures symboliques, mais agisse avec détermination sur le plan législatif.

Nous constatons avec nos collègues du CNSM que la retranscription des dispositions de la convention dans la législation nationale, plus précisément dans le cadre de la loi n° 1129 du 7 juillet 2000 sur les syndicats et du Code du travail (2003), n'a pas garanti leur application effective.

Il est urgent de créer le délit d'entrave qui sanctionnerait les employeurs lorsqu'ils s'ingèrent dans les activités des syndicats. Ce cas de figure est pour l'heure ignoré par la législation nationale qui ne prévoit de sanctions que pour l'entrave à la création des syndicats, comme cela a été dit.

L'exemple concret du démantèlement du syndicat indépendant dans un établissement du secteur de la santé publique en illustre la nécessité. Les mesures prises par le gouvernement sont restées timides et n'ont pas su empêcher l'ingérence dans les affaires syndicales.

Nous appelons donc le gouvernement moldave à s'engager de toute urgence à compléter, en consultation avec les partenaires sociaux, la législation nationale relative aux dispositions des articles 1 et 2 de la convention, afin d'introduire des mesures réellement dissuasives et des sanctions en cas de violation des droits syndicaux.

De la part d'un pays qui aspire à devenir membre de l'Union européenne, nous attendons beaucoup mieux.

Président – Je donne la parole au distingué délégué-travailleur de l'Autriche, M. Marcus Strohmeier.

Interpretation from German: **Worker member, Austria (Mr STROHMEIER)** – Ladies and gentlemen, members of the Committee, today I am speaking on behalf of the Austrian Trade Union Federation (ÖGB) representing Austrian workers. For many years, we have worked closely with the CNSM. This cooperation has been supported inter-alia by the Austrian Ministry of Social Affairs, most recently with projects to strengthen social security in the Republic of Moldova.

But one thing is clear, these initiatives can only be successful if Moldovan trade unions are fully involved. Their involvement is not an option, it is a necessity. What we are currently observing, however, is a matter of great concern to us. CNSM has repeatedly pointed to anti-trade union interference by employers, especially in the public sector.

The response of the authorities to these complaints has been more than insufficient. Convening a working session without concrete decisions or simply asking for clarifications are

not effective measures against the repression of trade union rights. On the contrary, they confirm the passive attitude of the competent authorities.

The Republic of Moldova ratified ILO Convention Nos. 87 and 98 in 1995, making a clear commitment to freedom of association and collective bargaining. However, national legislation is lagging behind this ambition.

While sanctions have been imposed when employees are prevented from joining a trade union, employers who actively intervene or dismantle trade union work remain largely unpunished.

This has led to serious incidents such as, as we have heard on a number of occasions now, the National Centre for pre-hospital Emergency Medical Assistance, where an existing trade union with over 3,800 members has been dismantled under pressure only to create a new organization led by the employer. This is quite simply a yellow union.

CNSM's proposals to introduce dissuasive sanctions against anti-union interference have so far been ignored both by the Government and Parliament. This undermines not only trust in social dialogue but also the implementation of international labour standards.

Chairperson, ladies and gentlemen, for these reasons, we therefore expressly urge Moldovan authorities to take decisive and effective steps to guarantee freedom of association and to consistently sanction anti-union acts. Workers' rights must not only exist on paper. They must also be defended in reality. The ÖGB stands in solidarity with our colleagues in the Republic of Moldova.

For us, it is quite clear: there must be no compromise on the protection of trade union rights, neither in the Republic of Moldova, nor elsewhere in Europe or anywhere else around the world.

Président – La parole est accordée à présent au distingué représentant de l'Internationale des services publics, M. Camilo Rubiano.

Observer, Public Services International (PSI) (Mr RUBIANO) – We have heard that despite existing legislation that recognizes the right to freedom of association and collective bargaining, we observe in this case that the legal protections in place are neither adequate nor effectively enforced.

Sanctions against violations of trade union rights, if and when they exist, are simply symbolic and insufficient to prevent anti-union practices.

I am obliged to repeat something that has been said before regarding the situation in the National Centre for pre-hospital Emergency Medical Assistance, where the administration interfered directly and aggressively in the functioning of the trade union of health protection workers SANATATEA, a legitimate trade union affiliated with both the National Trade Union Confederation of the Republic of Moldova and PSI.

Under pressure from the hospital administration, over 3,800 workers were required to sign the standardized resignation letters. These are pre-printed forms. Those who resisted this pressure including union leaders and active members faced retaliation.

Union president Anatol Fortuna was transferred and reassigned to a different role and others such as Vitalie Scerbenco and Luminila Malco were demoted or faced penalties and intimidation for refusing to leave the union. Other employees from the hospital reported salary cuts, threats and harassment.

As mentioned in a previous intervention, this campaign of intimidation culminated in the forced dismantling of SANATATEA and the creation of this new organization under the hospital control, named Ambulanța din Moldova, whose founding members are 16 hospital directors or staff with managerial positions.

Chairperson, here is worth noting that the wage penalties and the salary cuts imposed on these trade union leaders and employees are higher than the fines provided for in the law in cases of interference which says a lot about the core issue being discussed in this case.

We would like to stress also that these facts, these acts from the Government, are not isolated and they are not addressed effectively by national authorities. I heard the Government representative mention that they have taken steps to address these issues. However, we have information that, despite multiple formal complaints and requests for intervention, the State labour inspectorate remained passive and the Ministry of Health denied any knowledge or responsibility.

So such inaction by public authorities, combined with the lack of effective remedies, has increased the climate of impunity in the country with regard to the principles of freedom association and the right to organize.

As was mentioned before, it is worth noting that the supervisory bodies have been requesting amendments of the legislation for a long time (for instance, in case 2317 of 2004 and also the Committee of Experts has made similar requests since at least 2008).

In view of these facts, we call on this Committee to urge the Moldovan Government to take immediate action, including the amendment of the law to ensure effective deterrence against anti-union interference, and to take all the measures to maintain independence and integrity of the social partners.

Président – Je vous remercie, et vous êtes le dernier orateur sur la liste.

J'ai l'honneur d'inviter à nouveau l'honorable représentant du gouvernement de la République de Moldavie, M. l'Ambassadeur Vladimir Cuc, pour faire ses observations finales.

Government representative (Mr CUC) – Honourable Chairperson, Distinguished Delegates, I would like to express sincere gratitude to all previous speakers for sharing their views and comments on the implementation by the Republic of Moldova of the Convention and the specific case.

We have listened attentively to the interventions of the workers' representatives as well as concerns and suggestions raised by employers and the Government. We recognize the importance of open and constructive dialogue and remain fully committed to addressing all these issues in a transparent and cooperative manner.

The Government reaffirms its dedication to upholding the principles of the Convention and to ensuring that all workers in the Republic of Moldova can freely exercise their rights through collective bargaining. We acknowledge the challenges highlighted today and view them as opportunities to further progress and reform.

Honourable Chairperson, following the positions expressed, I would like to highlight several key messages that have been pointed out with the need for further action.

First, the need for legislative reforms. There is a clear understanding on the side of the Government that legislative amendments are needed to strengthen the framework in which social partners operate, to provide stronger legal guarantees and address possible violations and the work on the roadmap to which I referred is the right venue to discuss and to address all these issues.

Addressing specific allegations, secondly: the Government takes seriously the specific case under consideration and is open to continue discussion with social partners on dedicated platform, and I have referred to the Ministry of Health openness in this regard.

Thirdly, strengthening the social dialogue in general: we continue to promote social dialogue at all levels. In recent years, we have increased the number of collective agreements

– and I refer to the statistics at this stage – and, of course, expanded dialogue platforms, particularly in sectors such as health and education. We are working to improve the collection and reporting of data on collective bargaining coverage, as requested by the Committee.

Fourthly, cooperation with ILO: as previously mentioned we are giving careful and comprehensive consideration to all observations and recommendations that were made, thus being determined to work closely with the ILO, our national social partners and all stakeholders. Reflecting our firm commitment to achieving tangible progress we would like to formally request, as I did in my previous statement, the provision of technical assistance from the ILO, which we view as essential for: strengthening collective bargaining capacity; increasing awareness of social dialogue in specific sectors; supporting legislative alignment with the EU standards; and helping build a more inclusive and effective system of social dialogue in the Republic of Moldova.

We recognize that achieving full compliance and effective implementation will take time. We are committed to regular dialogue with all stakeholders, including workers' and employers' organizations and to reporting transparently on our progress. We also see this process as an opportunity to deepen our democratic institutional maturity and to advance on our path towards EU integration.

Once again, we thank the Committee and all participants for their guidance and engagement and remain open to concluding a positive outcome following these observations.

Président – Je vous remercie, Excellence, ainsi que les membres de votre délégation pour votre participation aux travaux de la commission. La commission a bien pris note de toutes les informations que vous avez fournies.

Je donne à présent la parole à M. Noll, porte-parole des employeurs, pour sa déclaration finale.

Employer members – Employer members reiterate that the Convention is a fundamental Convention and strongly condemn non-compliance relating to the application of this Convention.

We are pleased that the Government in its past statements and today reaffirmed its willingness and commitment to further national social dialogue to strengthen fundamental rights and to achieve a positive outcome in this case.

Considering today's discussion, Employer members would like to recommend to the Government the following: (i) to solve the issue regarding interference in union activities in the health sector with the aim to comply with the obligations of the Convention and to report back on measures achieved; (ii) to provide detailed information on the process to amend the law and the provisions that cover the sanctions to acts of anti-union discrimination and interference and to provide a copy on the adopted Act; and (iii) to engage in meaningful consultation with the most representative employers' and workers' organizations on the revision of section 360(1) of the Labour Code and to provide information on any developments in this respect.

To conclude, we count on the constructive collaboration of the Government and ask it to implement these recommendations.

Président – Je donne la parole à M. Russell, porte-parole des travailleurs, pour sa déclaration finale.

Worker members – Distinguished Delegates, I said in my introductory remarks that given the persistence of certain issues we expect more than mere commitments and endless discussion.

The worker's group is particularly concerned about the lack of effective measures to combat acts of anti-union discrimination and interference.

Among the interference in trade union activities that we discussed, it is particularly worrying to see that the State was the direct author of the violations of the principles contained in the Convention as in the case of the National Center for pre-hospital Emergency Medical Assistance.

We also noted the need to assess the dynamics of collective bargaining in the country to ensure the collective bargaining machinery is functioning well.

We also expressed our firm belief that regulations relating to compulsory arbitration are not in line with the Convention.

Therefore, we invite the Government in consultation with the most representative social partners to take effective and time-bound measures to address those issues.

When it comes to acts of anti-union discrimination and interference, we call on the Government to amend any relevant regulation in order to clearly criminalize interference in trade union activities, including discriminating acts against them, and to ensure that any sanctions applied in the event of such interference are truly dissuasive in accordance with the seriousness with which such breaches should be taken. We ask the Government to take proper measures to remedy situations where such interference occurs, particularly in the case of interference in trade union activities by the Administration of the National Centre for pre-hospital Emergency Medical Assistance.

Turning to compulsory arbitration, we expect the Government to amend section 360(1) of the Labour Code to ensure that referral of a collective bargaining dispute to the courts is possible only upon request by both parties to the dispute or in relation to public servants engaged in the administration of the State, that is essential services in the strict sense of the term, or in acute national crisis.

Finally, we encourage the Government to develop and promote a strong and well-functioning collective bargaining machinery, including ensuring that the independence and

integrity of the social partners is respected and supported, and to provide all the requested information to the Committee of Experts in that regard.

We see that the Government of the Republic of Moldova, represented by the Minister of Labour and the social partners, partnered last week with the ILO to launch a new Decent Work Country Programme. One of the priorities of this programme is to strengthen social dialogue between the Government and the social partners. The implementation of the recommendations made by the Committee of Experts and by this Committee will certainly contribute to the realization of that priority. We had hoped that the Minister of Labor could have stayed a little longer to participate in the discussion of our Committee or returned, as our colleague on the Worker benches has done, to take note of our recommendations.

Chairperson, we welcome the Government's suggestion of receiving technical assistance and urge it to swiftly follow up on this suggestion. However, considering the long-standing and persistent nature of the issues in this case, we also invite the Government to accept a direct contacts mission of the ILO before the next Conference so as to better implement these recommendations with the urgency they deserve.

Président – Nous avons maintenant terminé la discussion de ce cas. Les conclusions seront adoptées dans la matinée de demain, jeudi 12 juin.

Le procès-verbal concernant la discussion de ce cas, le PV.24, sera disponible sur la page Web de la commission ce mercredi autour de 20 h 30. Les délégués pourront proposer des amendements à leurs propres interventions jusqu'à demain, jeudi 12 juin à 10 h 00.

La séance est suspendue à 16 h 00.

The sitting was suspended at 4 p.m.

Se interrumpe la sesión a las 16 horas.